

### **MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT**

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

*72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.*

## ***ACTION AGENDA***

**CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY OF HUNTINGTON BEACH**

***\*\*Revised – Page 4, 7 and 14\*\****

**TUESDAY, JANUARY 20, 2004**

5:00 P.M. - Room B-8  
7:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**5:00 P.M. - Room B-8**

### **Call City Council/Redevelopment Agency Meeting to Order**

**Roll Call** Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
***Present (Houchen arrived 5:10 p.m., Boardman, absent)***

### **Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

***Study Session, Closed Session (Labor Relations)***

### **Public Comments Regarding 5:00 P.M. Portion of Council Meeting (See Next Page for Study Session and Closed Session Agenda Items)**

***Speaker representing the Huntington Beach Officers Association (HBOA) announced Safety Associations' recommendation for CALPERS as health benefit plan. Officer distributed brochure and computation benefit sheet, and responded to Mayor's inquiries regarding Late Communication presented.***

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

***<http://www.surfcity-hb.org>***

*Speaker re: So. CA Water Co. and requested Council to deny project stating reasons. Speaker informed Council of reasons Bolsa Chica Land Trust was formed.*

*Speaker spoke in opposition to Ordinance No. 3633 relative to public assembly which is on the 7:00 p.m. portion of the agenda.*

*City Administrator announced Item No. E-1 pulled from the agenda.*

### ***Revised – Study Session and Added Closed Session***

**(City Council/Redevelopment Agency) Study Session – Presentation by Mission Viejo Councilmember Regarding Overview of (SCAQMD) South Coast Air Quality Management District Policies and Future Direction** (520.75)

Air Quality Management District Governing Board Member/Mission Viejo Council Member William Craycraft will be presenting a PowerPoint report titled *Introducing the AQMD* regarding the focus and direction of the South Coast Air Quality Management District as well as the resources available to the city.

*Mr. William Craycraft presented PowerPoint included on the Late Communication memo.*

*Announced Debra L. Reed, Senior Public Info Specialist as the City's contact person in SCAQMD.*

*Will return to Council at a date uncertain re: Moratorium on generating plant.*

### **Call Closed Session of City Council/Redevelopment Agency**

**Recommended Action:** Motion to recess to Closed Session on the following items:  
***Approved 6-0-1 (Boardman absent – arrived during closed session)***

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Southern California Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 03CC02021. **Subject:** Southern California Water Company v. City of Huntington Beach, et al. (120.80)
2. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)

3. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(c) to confer with its attorney regarding pending litigation. Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: **one**. **Subject: Potential Litigation re: Appeal of Notice of Violation and Order Issued by Santa Ana Regional Water Quality Board.**  
(120.80)

***Revised***

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

**7:40 P.M. - Council Chambers****Reconvene City Council/Redevelopment Agency Meeting**

**\*\* The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

**#1 - Discuss to seek appellate Review voted to authorized appeal of decision  
Approved 5-2 (Coerper, Green – No)**

→ **#3 - Voted to appeal Notice of Violation  
Approved 6-0-1(Boardman, absent)**

**Roll Call** Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
**Present**

**Pledge of Allegiance/Flag Salute** – Led by Mayor Cathy Green.

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

**Invocation** – *by Brother Bill*

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk.

**Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

**(1)** The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications

are communications regarding agenda items that have been received by the City Clerk's office following distribution of the agenda packet.)

***Study Session, Closed Session (Labor Relations), E-1, G-1a, H-1a***

***Mayor announced Community Forum on Monday, January 26, 2004 at 6:30 p.m. Talbert Room, Central Library for Recruitment of the Next City Administrator.***

**Presentation** – From Mayor Cathy Green to Pat Stier and members of the Fourth of July Parade Committee, a check for \$50,000.00 from nuVisions Financial Federal Credit Union representatives: Justin Weiler, Marketing and Business Development Officer, and Kerry Lewis, Vice President Chief Planning and Development Officer. The check is to sponsor the Huntington Beach Fourth of July Centennial Celebration. (160.40)

**Presentation** - Mayor Cathy Green will invite Don McAllister to make a presentation of several Huntington Beach Surfing Walk of Fame Books to the City Library. (160.40)

**Mayor's Award** - Mayor Cathy Green will be joined by Public Works Director Bob Beardsley to present the Mayor's Award to Lead Worker in Landscape Rick Ayres from the Public Works Department. (160.40)

**B. PUBLIC COMMENTS**

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings. Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council. Councilmembers strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

**3 minutes per person, time may not be donated to others.  
No action can be taken by Council/Agency on this date unless agendaized.**

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium.

**PUBLIC COMMENTS:**

***Speakers spoke in opposition to Ordinance No. 3633, Item G-1a, as preemptive of freedom of speech and the right to public assembly.***

***Speaker representing 4<sup>th</sup> of July Board in favor of fireworks display for the Centennial, agenda Item H-1a.***

***Speaker representing United Food Workers, spoke in opposition to Ordinance No. 3633 on behalf of the grocery strike picketers.***

***Speaker representing the Building Council Industry of Los Angeles cited paragraph (b) of Ordinance No. 3633 and spoke in opposition stating the section is too broad.***

***Speaker representing the Downtown Restaurant Association spoke in favor of H-1a. Announced March 28, 2004 at Hyatt Resort and Spa as "A Taste of Huntington Beach Day."***

***Speaker representing Los Amigos de Bolsa Chica alleging potential litigation against the City with the passage of Ordinance No. 3633.***

***Speaker against AES power plant displaying plankton. Urged G-1a to be voted against with the upcoming demonstration of plant.***

***Speaker representing Orange County Young Democrats spoke in opposition to G-1a relative to civil liberties.***

***Speaker, President of HB Conference and Visitor's Bureau spoke in favor of H-1a, the Fireworks Display on the standpoint of tourism.***

***Speakers alleging G-1a precipitated by Food Workers strike, alleging selective enforcement.***

**Revised**

*Speaker in favor of Measure E on the March 2, 2004 ballot. Announced campaign headquarters at 16541 Gothard Street, Phone: 225-3864 and website –*

→ [www.hbfairdistricts.com](http://www.hbfairdistricts.com). *Invited Councilmembers to kickoff event on January 23, 2004 at 11:00 a.m.*

*Speaker alleged City is not enforcing the infill ordinance. Recommended solution of shortening deck for privacy reasons. Announced lawsuit filed. Phone: 612-1608.*

*Mayor requested last speaker to fill out blue contact card for the City Attorney.*

*Speakers spoke in opposition to Measure E on March 2, 2004 ballot due to reasons of reduction of representation.*

*Motion to move G-1a forward  
Approved 7-0*

**C-1. Council Committee/Council Liaison Reports**

*Mayor Pro Tem Hardy thanked the Community Services Commission for photographs given to HB High School students.*

**C-2. City Administrator's Report - None**

**C-3. City Treasurer's Report**

**C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's November 2003 Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity**  
(310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for November 2003.

**Recommended Action:** Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for November 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

***City Treasurer presented PowerPoint Report***

***Approved 5-0-2 (Coerper, Houchen out of room)***

**D. PUBLIC HEARINGS**

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

- D-1. (City Council) Public Hearing for the Annual Review of the Holly-Seacliff Development Agreement No. 90-1 (Located between Ellis Avenue on the North, Huntington Street on the East, Edwards Street on the West, and the Seacliff Golf Course on the South) – Accept the 2003 Annual Compliance Report** (600.10)  
Communication from the Planning Director.

**Applicant:** City of Huntington Beach

**Request:** Annual review of the Holly-Seacliff Development Agreement Compliance Report.

**Location:** Approximately 490 acres located between Ellis Avenue on the north, Huntington Street on the east, Edwards Street on the west, and the Seacliff Golf Course on the South.

**Environmental Status:** This agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

**ON FILE:** A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Thursday, January 15, 2004.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

**\*\*PowerPoint presentation titled *Annual Holly Seacliff Development Agreement Compliance Report* is included in the agenda packet.**

**Recommended Action:** Motion to:

**PLANNING COMMISSION AND STAFF RECOMMENDATION:** Motion to:  
Determine that the Developer is in compliance with the Holly Seacliff Development Agreement No. 90-1 by accepting *The 2003 Annual Holly-Seacliff Development Agreement Compliance Report* and authorize the Mayor and City Clerk to sign and execute the *Certificate of Development Agreement Compliance* (Attachment No. 2) and direct the City Clerk to record said Certificate with the Orange County Recorder.  
***Planning Director Howard Zelefsty did not present PowerPoint.***

***Approved 4-0-2-1 (Hardy, Cook abstain, Houchen out of room)***



### **E. CONSENT CALENDAR**

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

**Recommended Action:** Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council) Accept Rainbow Disposal's Donation for One Additional Trash Collection on Friday and Saturday in January and February 2004 and Friday, Saturday and Sunday for March, April, May and June 2004 – Downtown Trash Can Service Schedule** (600.45) – 1. Accept Rainbow Disposal's offer to donate the cost for one additional trash collection on Friday and Saturday in January and February, and on Friday, Saturday and Sunday in March, April, May and June of 2004; and 2. Revert to the pre-existing schedule after the six-month increased weekend collection donated by Rainbow Disposal. Submitted by the Public Works Director. Funding Source: Funding of \$57,025.00 for downtown trash collection is currently budgeted in the General Fund Refuse Account.  
*Councilmember Houchen reversed earlier announcement made to pull from agenda.*  
*Approved 6-0-1 (Houchen out of room)*
- E-2. (City Council) Approve Sole Source Procurement from Stewart & Stevenson Power, Inc., of Corona, California for the Purchase of Waukesha Natural Gas Engines (By Request of the Public Works Utilities Division)** (600.10) – Approve Sole Source Procurement from Stewart & Stevenson Power, Inc., of Corona, California, for the purchase of Waukesha natural gas engines. Submitted by the Public Works Director. Funding Source: Funds re budgeted in Water Fund Account (\$350,000.00) and in the General Fund Account (\$135,000.00) for replacement of natural gas engines.  
*Approved 6-0-1 (Houchen out of room)*
- E-3. (City Council) Approve Dissolution of the Legal Affairs Committee Due to Hiring of In-House Trial Attorney** (100.10) – Dissolve the Legal Affairs Committee. Submitted by the City Attorney. Funding Source: Not applicable.  
*Approved 6-0-1 (Houchen out of room)*
- E-4. (City Council) Approve Professional Services Budgeted Expenditure for Monitoring of Landfill Gas System at Huntington Beach Central Park Sports Complex- (Authorized in Contract with Bryan A. Stirrat & Associates)** (600.10) – Authorize expenditure not to exceed \$150,000.00 from Adult Sports business unit for professional service contract for monitoring of landfill gas system at the Huntington Beach Sports Complex. Submitted by the Community Services Director. Funding Source: The action requested does not require a new appropriation. Funds were previously included in the general Fund, Adult Sports, Repairs and Maintenance Account for fiscal year 2003-2004.  
*Approved 6-0-1 (Houchen out of room)*

- E-5. **(City Council) Approve the Automatic Aid Mutual Response Agreement for the Exchange of Fire, Rescue, and Emergency Medical Services between the City of Huntington Beach and the City of Newport Beach- Authorize the Fire Chief or His Designee to Execute Future Agreements** (600.10) – 1. Approve and authorize the Mayor and City Clerk to execute the *Automatic Aid Agreement for the Exchange of Fire, Rescue, and Emergency Medical Services between the City of Huntington Beach and the City of Newport Beach*; and 2. Authorize the Fire Chief or his designee to execute future agreements with the City of Newport Beach for the exchange of fire, rescue, and emergency medical services. Submitted by the Fire Chief. Funding Source: Not required.  
***Amended – subject to City Council approval.***  
***Approved 6-0-1 (Houchen out of room)***
- E-6. **(City Council) Approve the Agreement between the City and County of Orange to Transfer Funds to the City for Fiscal Year 2002 State Domestic Preparedness Grant for the Purchase of WMD (Weapons of Mass Destruction) Equipment** (600.25) – Approve the attached *Agreement to Transfer Funds for Fiscal Year 2002 State Domestic Preparedness Grant* Purposes authorizing the County of Orange to release State Office of Domestic Preparedness funds to the City of Huntington Beach for the purchase of (WMD) Weapons of Mass Destruction equipment and authorize the Mayor and City Clerk to execute same. Submitted by the Fire Chief. Funding Source: The State Office of Domestic Preparedness through the County of Orange as the Orange County Operational Area lead agency.  
***Approved 6-0-1 (Houchen out of room)***
- E-7. **(City Council) Approve Amendment No. 2 of Professional Services Contract between the City and Walden & Associates for Engineering Services for CC-1095, CC-1142, CC-1162 and CC-1166** (600.10) – 1. Authorize an exemption to Section 3.03.120 of the Huntington Beach Municipal Code to allow extension of a professional services contract beyond the term of three years; and 2. Approve and authorize the Mayor and City Clerk to execute *Amendment No. 2 to Agreement Between the City of Huntington Beach and Orange County Walden, Inc., dba Walden & Associates for Engineering Services*. Submitted by the Public Works Director. Funding Source: Funds are budgeted in the Brookhurst/Adams Intersection OCTA grant; CDBG Storm Drain Improvements and Newland Street Widening, Traffic Impact Fund. Additional work will not exceed \$75,000.00.  
***Approved 6-0-1 (Houchen out of room)***
- E-8. **(City Council) Adopt Resolution No. 2004-2 Amending the City Council Manual by Revising the City's Code of Ethics – Conduct the Annual Review** (110.40) – 1. Adopt **Resolution No. 2004-2** - "A Resolution of the City Council of the City of Huntington Beach Revising the City's Code of Ethics and Amending the City Council Manual" incorporating the changes made at the January 5, 2004 City Council Meeting; and 2. Direct the City Clerk to record in the official minutes that the Code of Ethics was presented to the City Council, the City Administrator, Chairpersons, and City Department Directors for their review and distribution as required. Submitted by Mayor Cathy Green. Funding Source: Not applicable.  
***Approved 6-0-1(Houchen out of room)***

- E-9. **(City Council) Accept Bid and Award Contract to Palp Inc., dba Excel Paving Company for Pavement Rehabilitation at Traffic Signal Loops at Approximately 45 Locations; MSC418** (600.55) – 1. Accept the lowest responsive and responsible bid submitted by Palp Inc., in the amount of \$187,600.00 for Pavement Rehabilitation at Traffic Signal Loops at Various Locations; MSC 418; and 2. Approve and authorize the Mayor and City Clerk to execute the *Agreement between the City of Huntington Beach and Palp, Inc, DBA Excel Paving Company for Pavement Rehabilitation at Traffic Signal Loops in Various Locations in the City (MSC 418)*. Submitted by the Public Works Director. Funding Source: Measure M funds in the amount of \$200,000.00 were budgeted in Gas Tax Fund, Intersection Pavement Replacement in Fiscal Year 2002-2003.

***Approved 6-0-1 (Houchen out of room)***

- E-10. **(City Council) Adopt Resolution No. 2004-3 Amending Resolution No. 2003-64 Modifying Water Quality Inspection Fees** (340.20) – Adopt **Resolution No. 2004-3** - *“A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2003-64 and the Water Quality Inspection Fees Levied by the Public Works Department Pursuant to the City’s Comprehensive Fee Schedule (Supplemental Fee Resolution No. 1).”* Submitted by the Public Works Director. Funding Source: Annual General Fund revenues of approximately \$63,5000.00 have been included in the budget projections.

***Approved 6-0-1 (Houchen out of room)***

- E-11. **(City Council) Adopt Resolution No. 2004-4 Approve the Application for Grant Funds for the Murray-Hayden Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002** (340.80) – Adopt **Resolution No. 2004-4** - *“A Resolution of the City of Huntington Beach Approving the Application for Grant Funds for the Murray-Hayden Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.”* Submitted by the Community Services Director. Funding Source: State of California, Murray-Hayden Program.

***Approved 6-0-1 (Houchen out of room)***

**F. Administrative Items**

**F-1. (City Council) Approve City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC) (640.90)**

Communication from Mayor Pro Tem Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Connie Boardman and Councilmember Debbie Cook transmitting the following **Statement of Issue**: Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to legislation currently pending before the elected members of the State Legislature, a regional body or to be put on a ballot for approval by the voters?

**Recommended Action:** The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on these items, and authorize the Mayor to send letters to the legislators reflecting the approved position:

**Motion to:**

**1. APPROVE the City Funding Priorities List** for the coming Legislative year as attached;

and

**2. OPPOSE permanently** extending the Internet Tax Freedom Act of 1998 as proposed in Federal bills **S 150 (Aillen)** and **HR 49 (Cox)**.

**Mayor Pro Tem Hardy reported**

**Approved 5-1-1 (Green – No, Houchen out of room)**

**F-2. (City Council) Continued from January 5, 2004 Meeting - Approve Locals Night Downtown Free Parking Trial Promotion for Tuesday Nights in February or March in the Main Promenade Parking Structure – Possible Fiscal Impacts (340.10) –**

Communication from Economic Development Director David Biggs transmitting the following **Statement of Issue**: Downtown retailers and restaurants are working to encourage more locals to shop and dine in Downtown Huntington Beach, especially in the off-season. It is proposed that the City provide local residents with a coupon to be mailed with water bills to offer up to three hours of free parking in the Main Promenade Parking Structure on Tuesday nights in February or March.

**Funding Source:** The cost to produce the coupon for mailing in water bills is being funded through the Economic Development Department budget. The usage of the coupon will be tracked during the trial period and the increase or decrease in parking revenues will be determined following the trial promotion and compared to the same period in prior years.

**\*\*Communication from Economic Development Director dated January 6, 2004 titled *Possible Fiscal Impacts of Trial Free Parking Promotion* is included in the agenda packet.**

**Recommended Action:**

Approve Locals Night Downtown Free Parking Trial Promotion.

**Economic Development Director David Biggs reported.**

**Approved 4-2-1 (Boardman, Cook – No, Houchen out of room)**

**G. Ordinances**

***Following Ordinance was moved forward following Public Comments.***

**G-1. Ordinances for Adoption****G-1a. (City Council) Adopt Ordinance No. 3633 Amending the Huntington Beach Municipal Code Chapter 9.20 Relating to Prohibited Public Conduct Regarding Prohibited Equipment (640.10)**

**~~Ordinance No. 3633~~** – ~~“An Ordinance of the City of Huntington Beach Amending Chapter 9.20 of the Huntington Beach Municipal Code Relating to Prohibited Public Conduct.”~~ (Approved for Introduction on January 12, 2004.)

**Recommended Action:** After the City Clerk reads by title, adopt **Ordinance No. 3633**, by roll call vote.

***City Attorney responded to inquiries by Council. Police Chief Small presented oral report.***

***Motion to continue (to clarify parades and revisit code sections) to a date uncertain***

***Approved motion to continue 4-3 (Hardy, Boardman and Cook – No)***

**G-1b. (City Council) Adopt Ordinance No. 3631 Levying Special Taxes Within the City of Huntington Beach Community Facilities District (CFD) No. 2003-1 (Huntington Center – Bella Terra) (350.30)**

**Ordinance No. 3631** – “An Ordinance of the City Council of the City of Huntington Beach Levying Special Taxes within the City of Huntington Beach Community Facilities District No. 2003-1 (Huntington Center).” (Approved for Introduction at CFD Public Hearing January 5, 2004)

**Recommended Action:** After the City Clerk reads by title, adopt **Ordinance No. 3631**, by roll call vote.

***Adopted 6-0-1 (Houchen out of room)***

**G-2. Ordinances for Introduction - None**

**Revised****Motion to move forward following Ordinance No. 3633 – Approved 7-0****H. City Council/Redevelopment Agency Items****Submitted By Councilmember Pam Houchen****H-1a. (City Council) Authorize the 4<sup>th</sup> of July Board to Relocate the Fireworks Display to the Beach for Centennial Year 2004 Only – Return to Council With a Financial Plan to Cover Costs of the Event (960.30)**

Communication from Councilmember Pam Houchen transmitting the following **Statement of Issue**: This year is the 100<sup>th</sup> anniversary of our city's longest held community tradition, the Huntington Beach 4<sup>th</sup> of July Celebration. For the past three years, the 4<sup>th</sup> of July Executive Board has requested that the City Council grant approval to hold the evening fireworks at the beach. This year, once again, the Board has recommended that the fireworks be held at the beach in 2004 to commemorate the centennial. The Board is asking that this be a one-time relocation, for one year only.

Cancellation of the 2003 4<sup>th</sup> of July Fireworks show brought an outpouring of unfavorable comments from the community as well as from annual visitors who flocked to Huntington Beach on the 4<sup>th</sup> of July. In addition there was a proliferation of illegal fireworks confiscated this past year. The Centennial celebration calls for events that stand out as unique to the 100<sup>th</sup> celebration. The Parade Board is working to add special crowd pleasers to the overall program. A beach fireworks show will insure the display and program to be the 2<sup>nd</sup> largest on the west coast and worthy of a 100-year celebration.

The community has changed considerably since the 1970's, when fireworks were last held on the beach and the holiday has been problem free for years. I am bringing this as an "H" item for the Council's consideration because if we were to hold the fireworks on the beach, the Board would need to work with public safety and sponsors on the planning of the event. The Board believes that adequate sponsorship can be in place to cover the additional costs of the fireworks show and the additional public safety required.

**Recommended Action**: Motion to:

~~1. Give the 4<sup>th</sup> of July Board approval to plan to relocate the fireworks display to the beach for the centennial year only'~~

and

~~2. Return to the Council with a financial plan to cover costs for the event.~~

***Councilmember Houchen reported Police Chief Small responded to Council inquiry relative to fireworks on the beach versus the Sports Complex Dave Dominguez, Community Services Facilities Development and Concessions Manager and Fire Chief Duane Olson reported.***

***Motion failed 3-4 (Sullivan, Coerper, Green, Boardman – No)***

—————▶ ***Motion to Direct the Fourth of July Board to proceed with plans for a fireworks program either at the HB High School or the Sports Complex  
Approved 6-1 (Cook – No)***

**Council Comments - (Not Agendized)**

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

***Mayor Green reiterated announcement of Public Forum regarding recruitment of next City Administrator, scheduled to be held on Monday, January 26, 2004 at 6:30 p.m. in the Talbert Room, Central Library.***

***Clarified for public input of attributes and not the selection.***

**Council/Agency Adjournment** to Monday, February 2, 2004, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**CONNIE BROCKWAY, CITY CLERK  
City of Huntington Beach  
2000 Main Street - Second Floor  
Huntington Beach, California 92648**

**Internet: <http://www.surfcity-hb.org>**